Introduction
This fact sheet gives an overview of the humanitarian crisis that evictees are now facing in resettlement sites as a result of the January 2012 forced eviction at the capital’s Borei Keila district, a crisis that last week led to the death of a nine-month-old baby. The wretched conditions at the resettlement sites – and at Borei Keila itself – exemplify the total disregard by companies and authorities for international standards regarding the protection of human rights in relation to evictions. This fact sheet is written by the Cambodian Center for Human Rights (“CCHR”), a non-aligned, independent, non-governmental organization that works to promote and protect democracy and respect for human rights – primarily civil and political rights – throughout Cambodia.

Case background
Borei Keila is a 14.12 hectare area of land located in central Phnom Penh, that was previously home to 1,776 families. In 2003, a social land concession was granted by the Royal Government of Cambodia (the “RGC”) to a private company, the Phanimex Company (“Phanimex”), over 4.6 hectares in Borei Keila. Under the agreement, Phanimex was contracted to build ten buildings on two hectares of the land for social purposes – to house the residents of Borei Keila – and, in exchange, received development rights for the remaining 2.6 hectares of the concession area.

In April 2010, after having built only eight of the ten residential buildings, Phanimex requested permission from the RGC to forego construction of the two remaining buildings, claiming a lack of funds to build them, and requested that it be granted the land earmarked for these two buildings. Failing to build the remaining two buildings left between 300 and 400 families without permanent housing. On 3 January 2012, many families still residing in Borei Keila were forcibly evicted from their homes by a combined force of over 100 police officials, military police, company employees and security guards. More than 200 homes were demolished. The combined force also clashed violently with members of the community. Some police and community members were reportedly injured, while some residents were later arrested and detained by the police.

Conditions in the resettlement site
Provided with no permanent housing to compensate for being forcibly evicted from their homes, most of the families were relocated to two remote settlement sites: Tuol Sambo, 25 kilometers outside Phnom Penh, in Prey Veng commune, and Srah Po, also known as Phnom Bat, in Kandal province. As yet, the evictees have still not received any appropriate compensation or resettlement arrangements since being evicted on 3 January 2012. The situation in the resettlement sites is dire, with evictees living in makeshift tents, without access to electricity, sanitation facilities, drinking water, schools or employment opportunities.

According to Amnesty International, as of February 2012, approximately 125 families had refused to relocate so far outside of Phnom Penh and were still living in and around the eviction site, in similarly squalid conditions. During a recent visit to the eviction site, the United Nations (“UN”)
Special Rapporteur on Human Rights in Cambodia, Professor Surya Subedi, expressed his grave concern at the conditions, labeling the situation a humanitarian crisis.

On 14 May 2012, a nine-month-old baby died in Kuntha Bopha hospital, where he had been taken after suffering from diarrhoea and fever since his family was forcibly evicted from Borei Keila. The boy, Chan Samnang, fell ill as a direct result of wretched living conditions – including a lack of appropriate shelter, food and services in the Srah Po resettlement site. According to a representative of the Borei Keila evictees, dire living conditions in the resettlement sites are causing many more children and elderly people to fall ill. If conditions in the resettlement sites do not improve, or if the evictees are not relocated to liveable sites, there is a serious risk that more families evicted from Borei Keila will suffer similar tragedies, which could so easily be prevented.

A pattern of violations
The case of Borei Keila is unfortunately not an isolated incident. Throughout Cambodia, poor and marginalized communities are forcibly evicted from their homes on a regular basis – with little to no consultation, reparations or redress mechanisms – by companies that have been granted land concessions by the RGC. According to Amnesty International, approximately 10 per cent of Phnom Penh’s population was forcibly evicted between 1990 and 2011 – most often as a result of development projects and land disputes. Because permanent housing and services are rarely provided by either the companies or the RGC, evictees often have little choice but to live in conditions similar to those in the Borei Keila resettlement sites.

Conclusion/Recommendations
In line with domestic and international law, if land concessions are to be granted, those affected, including those to be evicted from their homes, should be consulted in advance and offered appropriate compensation, housing and redress mechanisms. International standards clearly outline the process for evicting people from their homes and identify what constitutes appropriate alternative housing for those who need to be evicted. The UN Business and Human Rights Guiding Principles provide additional guidance, not only in specifying that businesses must comply with all applicable laws and respect human rights, but also in asserting that states must protect their citizens from human rights abuses, including those committed by business enterprises. However, these laws and standards are completely disregarded by both companies and the RGC, who do little to ensure that the rights of victims of forced evictions are respected.

The forced evictions at Borei Keila exemplify a pattern in Cambodia – one whereby the RGC not only fails in its duty to protect its citizens from human rights abuses committed by companies but actively facilitates such abuses by providing armed officials to assist with the evictions and demolitions and to arrest those who resist. The RGC must address the humanitarian crisis in Borei Keila and the resettlement sites immediately, by providing adequate remedies and reparations for the families that have been forcibly evicted – particularly permanent and adequate housing, as promised under the terms of the RGC’s agreement with Phanimex. Otherwise, more innocent people may die needlessly, in squalid and abject misery.

For more details, please contact Ouch Leng on tel: +855 (0) 1670 5567 or e-mail: ouchleng@cchrcambodia.org or Robert Finch on tel: +855 (0) 7880 9960 or e-mail: robert.finch@cchrcambodia.org.